



**STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION**

**FEDERAL TRANSIT ADMINISTRATION
TITLE VI PROGRAM PLAN**

FFY 2022-2025



**U.S. Department of Transportation
Federal Transit Administration**

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Title VI Policy Statement

Hawaii's Department of Transportation (HDOT) shall comply with Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000d et seq., 49 CFR part 21, and all related regulations and directives. HDOT assures that no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any HDOT program, activity, or service. Anyone believing that he or she has been discriminated against based on the foregoing shall have the right to file a complaint with HDOT or with the Federal Transit Administration (FTA) within one hundred and eighty (180) days after the last date of discriminatory activity.

Environmental Justice/Limited English Proficiency Policy Statement

HDOT assures that every effort will be made to prevent the discrimination of low-income and minority populations as a result of any impact of its programs or activities in accordance with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and in Low-Income Populations. HDOT assures every effort will be made to provide meaningful access to persons that have Limited English Proficiency (LEP), in accordance with Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency."


Specific Forms of Discrimination Prohibited

HDOT's efforts to prevent discrimination shall address, but are not limited to:

- The denial of services, financial aid, or other benefits provided under a program.
- Distinctions in the quality, quantity, or manner in which the benefit is provided.
- Segregation or separation in any part of the program.
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others.
- Different standards or requirements for participation.
- Methods of administration which directly or indirectly or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination.
- Discrimination in any activities related to any infrastructure or facility built or repaired in whole or in part with Federal funds.
- Discrimination in any employment resulting from a program, the primary purpose of which is to provide employment.

HDOT Programs and Services Covered by Title VI

HDOT's Title VI Plan applies to all the HDOT's programs, activities, and services, regardless of funding source. HDOT would like to note that appropriate signing authority is the Director of Transportation, given the dissolution of the Committee on Transportation.



JADE T. BUTAY
Director of Transportation

Dec 2, 2021

Date

I. Overview of Transit Programs

HDOT is the agency responsible for administering Federal Transit Administration (FTA) programs for Neighbor Island (Hawaii County, Kauai County, and Maui County) bus agencies. The FTA-related transit programs are administered and funded by HDOT's Statewide Transportation Planning Office (STPO) section as follows:

- Statewide Planning and Research Program (Section 5303).
- Enhanced Mobility of Seniors and Persons with Disabilities Program (Section 5310).
- Rural Transportation Assistance Program (Section 5311).
- Fixed Route Bus Systems (Section 5339)

II. Title VI Program Administration

HDOT's Office of Civil Rights (OCR) is responsible for the development and implementation of civil rights programs for HDOT. For FTA purposes, its subrecipients are the Neighbor Island transit agencies in Hawaii, Kauai, and Maui Counties. OCR's involvement is distinctly separate from STPO's overall funding, transportation planning and fiscal review of these transit agencies.

The programs OCR administers are Title VI, Environmental Justice, Limited English Proficiency (LEP), Disadvantaged Businesses Enterprise (DBE), Americans with Disabilities Act (ADA), and Equal Employment Opportunity (EEO) programs. OCR works with the other entities within HDOT, including its subrecipient counties, to ensure compliance with civil rights requirements, as shown in the organization chart.

OCR Civil Rights Coordinator (CRC) – HDOT's CRC serves as the chief staff officer to the Director and is responsible for overseeing and administering HDOT's civil rights programs which include the DBE, ADA, Title VI of the Civil Rights Act of 1964/Environmental Justice, and Equal Employment Opportunity/Affirmative Action (EEO/AA) programs.

Title VI Specialist - The Title VI Specialist is responsible for the development and implementation of the Title VI programs for HDOT programs funded through the Federal Highway Administration (FHWA), Federal Motor Carrier and Safety Administration (FMCSA), Federal Aviation Administration (FAA), as well as by the FTA. The Title VI Specialist ensures that all entities of HDOT and its subrecipients are compliant with Title VI requirements. In addition, the Title VI Specialist is also responsible for training of relevant staff, conducting reviews, and assisting in investigations of Title VI complaints. Furthermore, the Title VI Specialist is the direct liaison to the HDOT Director with regard to Title VI concerns. Finally, the Title VI Specialist must create HDOT's FHWA and FMCSA Program Plans and Accomplishment Reports.

Disadvantaged Business Enterprise Liaison Officer (DBELO) - The Director has overall responsibility for HDOT and has delegated the responsibility of the DBELO to the DBE Program Supervisor. The DBELO of the OCR has direct access to the Director.

The DBELO is responsible for implementing all aspects of the DBE program and ensuring that HDOT complies with all provisions of 49 CFR Part 26. The DBELO is supervised by the CRC within the OCR. The DBE program office has a staff of three (3) including the DBELO, a DBE Program Specialist and a DBE Program Certifier, to assist in the administration of the program.

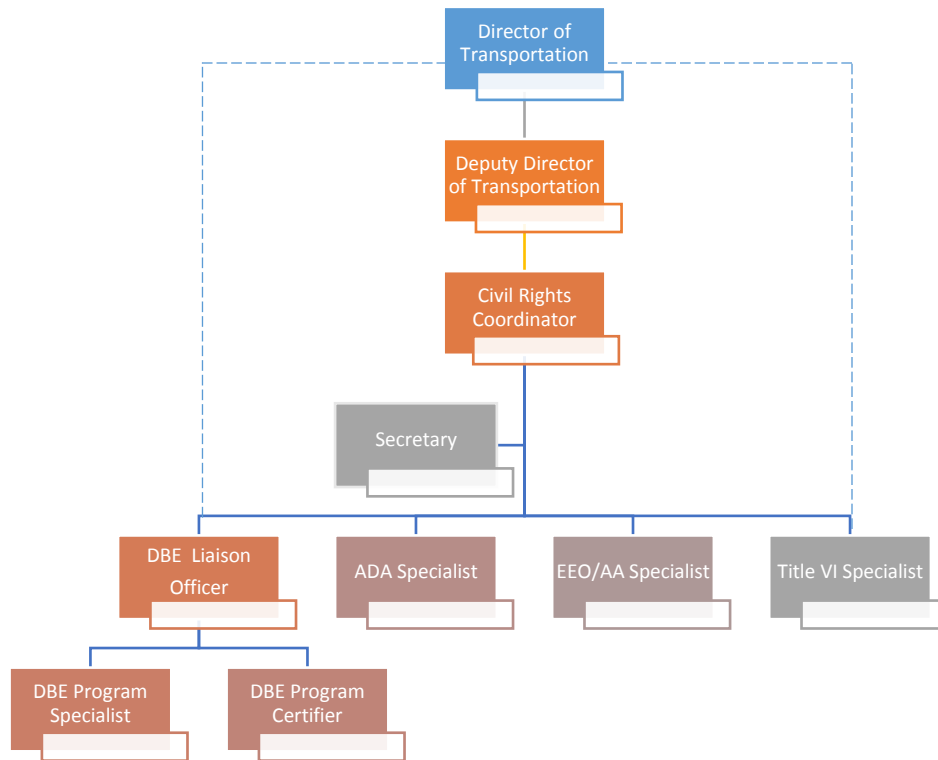
DBE Program Specialist – The DBE Program Specialist assists the DBELO in the development and evaluation of the DBE program. For example, the DBE Program Specialist provides outreach to DBEs, non-DBE firms, and other groups to help small businesses grow and to foster DBE participation. Also, the DBE Program Specialist develops and implements the DBE Supportive Services program to assist DBEs in contracting opportunities in highway-related federal projects.

DBE Program Certifier – The DBE Program Certifier is the principal certifier for HDOT and provides assistance to firms seeking DBE certification in accordance with eligibility criteria set forth by USDOT. In essence, the DBE Program Certifier is focused on the growth and development of potential DBEs and in the enhancement of DBEs' abilities to participate in federally funded contracts.

Equal Employment Opportunity (EEO) Specialist - The EEO Specialist is responsible for training all HDOT staff regarding all civil rights statutes, federal regulations, state laws, and state regulations that relate to the workplace. In addition, the EEO Specialist collects demographic data on HDOT employees/potential employees in compliance with state and federal EEO requirements. Also, the EEO Specialist is responsible for dealing with all of HDOT's internal EEO complaints.

Americans with Disabilities Act (ADA) Specialist - The ADA Specialist provides HDOT with advice and assistance with all ADA issues. Among these duties, the ADA Specialist develops and revises policies and procedures for HDOT in compliance with the ADA. The Specialist also conducts ADA trainings for HDOT personnel, contractors, and consultants on subjects such as design standards, employment and reasonable accommodations. Furthermore, the Specialist works with HDOT divisions to ensure that HDOT facilities, programs, services, and communications are in compliance with the ADA.

III. Organizational Chart – Office of Civil Rights



*Note: Dashed lines in Chart represent direct access to HDOT Director.

IV. General Requirements

Notice of Rights Under Title VI

For its transit related programs, HDOT notifies the public of its rights under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, *et seq.*, as amended, 49 CFR Part 21, by posting the Title VI Notice in all offices and in locations frequented by the public. (See **Attachment 1**)¹

The State of Hawaii Department of Transportation operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the Department of Transportation (HDOT) or with the Federal Transit Administration.

FTA-related HDOT Complaint Procedures can be obtained online at:

<https://hidot.hawaii.gov/administration/files/2021/08/Revised-HDOT-FTA-TITLE-VI-Complaint-Procedures-08052021.pdf>, via email at: HDOT-TITLEVI@hawaii.gov, or at the HDOT Office of Civil Rights at: 200 Rodgers Boulevard, Honolulu, Hawai'i 96819.

Please call (808) 831-7921 or via TTY at (808) 831-7931 if requiring further assistance with the HDOT FTA complaint process.

FTA-related HDOT Title VI Complaints may be filed directly with our administrative office, via facsimile at 808 831-7944, or by the above-mentioned email. Persons needing assistance with completing such complaint will be provided with the help necessary to do so. All complaints sent via email or by facsimile must also be mailed to our offices with original signature. Complaint Forms are available at our offices or online at:

<https://hidot.hawaii.gov/administration/files/2021/08/Revised-HDOT-FTA-TITLE-VI-Complaint-Procedures-08052021.pdf>.

In addition, FTA-related HDOT Complaints may be filed with the Federal Transit Administration (FTA) at the address below:

Federal Transit Administration
Office of Civil Rights
Attention: Complaint Team
East Building, 5th Floor-TCR
1200 New Jersey Avenue, SE
Washington, DC 20590
Phone: (202) 366-4043

The complaint shall include the name, address, phone number and signature of complainant. The formal complaint shall describe the alleged Title VI discrimination in detail. Also, the

¹ Title VI Notice may also be found at: <https://hidot.hawaii.gov/administration/files/2019/05/FTA-Hawaii-DOT-TitleVI-Notice.pdf>

complaint shall be filed within one hundred and eighty (180) days from date of last discriminatory act. The Title VI Specialist is responsible for notifying the respondent(s) of receipt of the complaint within ten (10) working days of receipt. A copy of the complaint shall also be forwarded to the alleged discriminatory subrecipient, and to the Office of Attorney General.

Location(s) of FTA Title VI Notices Posted:

Location of Notice	Address where Notice is Posted
Hawaii Department of Transportation - Office of Civil Rights	200 Rodgers Blvd. Honolulu, HI 96819
Hawaii Department of Transportation – Statewide Transportation Planning Office	200 Rodgers Blvd. Honolulu, HI 96819
Online	https://hidot.hawaii.gov/administration/files/2019/05/FTA-Hawaii-DOT-TitleVI-Notice.pdf

Discrimination Investigations, Complaints, and Lawsuits:

Description/Name	Date (Month/Day/Year)	Summary (Include the basis of complaint: Race, color, national origin, disability, etc.)	Status	Action(s) Taken (Incl. Final findings)
Investigations				
1) None				
Lawsuits				
1) None				
Complaints				
1) Maui Bus – Leo Thiner- Brickey	10/10/2018	Individual claimed via email received bus did not pick him up due to racial discrimination. Individual did not file formal complaint form.	Closed	Requested follow-up via Maui Bus on 10/11/18 via email. Spoke via phone with John Buck of Maui Bus on the matter. Monitored for follow-up from FTA or Civil Rights Commission based on complainant's statements of filing complaints with FTA/CRC with no response.
2) N/A				

Hawaii Department of Transportation

FTA-related Department of Transportation Title VI Internal Complaint Procedures

I. HDOT Internal Complaint Procedures for Public Complaints for Federal Transit Administration (FTA) Assisted Programs and Activities

These procedures cover external complaints for FTA assisted programs or activities based on Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, *et seq.* 49 CFR Part 21. These complaints cover discrimination based on race, color, or national origin.² All Title VI complaints are logged and tracked internally by the Title VI Program Specialist as part of the investigatory process.

The procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination.

II. Procedures

1. Any person or persons believing they have been subjected to discrimination based on Title VI of the Civil Rights Act of 1964, Exec. Order 13166 or Exec. Order 12898 may file a written a written complaint, using the Complaint Form on the HDOT OCR website, with HDOT's Office of Civil Rights (OCR), 200 Rodgers Blvd., Honolulu, Hawai'i, 96819, HDOT-TITLEVI@hawaii.gov, facsimile: 808 831-7944. Complaints may be mailed or submitted in person. E-mailed or faxed complaints must be followed up with a hard copy with original signature. See: <https://hidot.hawaii.gov/administration/files/2016/07/TitleVI-complaint-form.pdf>
2. A formal complaint must be filed within one-hundred eighty (180) calendar days of the date of the alleged act of discrimination or the date when the alleged discrimination became known to the complainant(s), or where there has been a continuing course of conduct, the date of the latest instance of the conduct. 49 CFR 21.11(b).
3. The complaint must meet the following requirements:
 - a. Complaint shall be in writing and signed by the complainant(s).
 - b. Provide the date of the alleged act of discrimination; date when the complainant(s) became aware of the alleged discrimination; or the latest date of the discriminatory action.
 - c. Provide a detailed description of the issues including names and job title of those individuals perceived as parties in the discrimination.
 - d. Complaints must be written and submitted by mail or in person to OCR. If emailed or faxed, the complaint must be received later in hard copy with original signature.

² Alleged complaints may also have tied-in concerns regarding language access (Exec. Order 13166) and environmental justice (Exec. Order 12898) that require investigation pursuant to the coverage provided by Title VI.

- e. Complaints may be written by someone else at the direction of the complainant. However, the final complaint shall be provided to the complainant(s) for confirmation and signature before actual submission.
 - f. Upon receipt of the complaint, OCR shall determine its jurisdiction, acceptability or need for additional information before in initiating its own investigation. In cases where the complaint is related to highways or airports, activities within HDOT's jurisdiction, the case will be investigated pursuant to FHWA or FAA requirements, as applicable.
 - g. Acceptance of a complaint will be determined by:
 - Whether the complaint is timely filed.
 - Whether the allegations involved a covered basis such as race, color national origin, language access, or environmental justice.
 - Whether the allegations involve a program or activity of a federal aid recipient, subrecipient or contractor.
 - Whether the complaint is beyond the administrative authority of HDOT.
 - h. A complaint may be dismissed for the following reasons:
 - The complainant requests the withdrawal of the complaint.
 - The complainant fails to respond to repeated requests for additional information necessary to process the complaint, or otherwise fails or refuses to cooperate in the investigation.
 - The complainant cannot be located after reasonable attempts to contact such person(s).
 - i. OCR has sole authority for accepting complaints for investigation. Within ten (10) business days of receipt of the complaint, OCR will acknowledge its receipt to the parties as well as the course of action on the complaint. The course of action may include acceptance of the complaint for investigation, request for additional information or rejection of the complaint. The complaint will receive a case number and be logged into the OCR's complaint records identifying its basis, and the alleged discrimination.
 - j. All such complaints shall also be referred to the Federal Transit Administration for review.
4. In cases where HDOT assumes investigation of the complaint, OCR will provide the respondent the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days from the date of OCR's written notification of acceptance of the complaint to furnish his/her response to the allegations.
 5. Within ninety (90) calendar days of the acceptance of the complaint, the HDOT investigator will prepare a draft investigative report. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.
 6. The draft investigative report shall be reviewed and finalized by the OCR Coordinator, and HDOT Director.
 7. The report shall be provided to the parties, and a copy sent to the FTA and to the Department of the Attorney General.

8. Any complainant dissatisfied with the decision of HDOT will be notified of further appeal rights to the following authorities:
- a. The complainant may seek appeal via administrative hearing via internal HDOT process. This appeal process is governed by §91, Hawaii Revised Statutes.
 - b. The complainant may also file a separate complaint via the FTA Office of Civil Rights, via the contact information below:

Federal Transit Administration
Office of Civil Rights
Attention: Complaint Team
East Building, 5th Floor-TCR
1200 New Jersey Avenue, SE
Washington, DC 20590
Phone: (202) 366-4043

- c. The complainant may also file a separate complaint via the U.S. Department of Transportation Departmental Office of Civil Rights as detailed at the following link: <https://www.transportation.gov/civil-rights/complaint-resolution/public-complaint-process>.
- d. The complainant may also wish to file a separate complaint via the Hawaii Civil Rights Commission. More information about this process can be found here: <http://labor.hawaii.gov/hcrc/> and the complaint form for doing so may be found here: <https://labor.hawaii.gov/hcrc/files/2020/11/Intake-Form-PA-AS-10-23-2020-SCRW-10-30-fillable-form-sample-tm-11-20-better-boxes-working-form.pdf>.
- e. The complainant may also wish to contact the U.S. Commission on Civil Rights for more information about where to find out additional avenues for appeal or complaint, which they can do so at the following link: <https://www.usccr.gov/filing/>.

State of Hawaii Department of Transportation Complaint of Discrimination (External)		
Complainant(s) Name:		Complainant(s) Address:
Complainant(s) Phone Number:		
Complainant's Representative's Name, Address, Phone Number and Relationship (e.g. friend, attorney, parent, etc.):		
Name and Address of Agency, Institution, or Department Whom You Allege Discriminated Against You:		
Names of the Individual(s) Whom You Allege Discriminated Against You (If Known):		
Discrimination Because Of:	<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin	Date of Alleged Discrimination:
Please list the name(s) and phone number(s) of any person, if known, that the Department of Transportation could contact for additional information to support or clarify your allegation(s):		
Please explain as clearly as possible how, why, when and where you believe you were discriminated against. Include as much background information as possible about the alleged acts of discrimination. Additional pages may be attached if needed.		
Complainant(s) or Complainant(s) Representative's Signature:		Date of Signature:

Public Participation Plan

The HDOT Statewide Transportation Planning Office (STPO) provides a broad range of multi-modal transportation planning functions and analyses to enable project selection and programming. It also channels FTA funds through FTA grants to Neighbor Island transit agencies. In this same manner, STPO monitors the program compliance of Neighbor Island transit agencies.

As OCR is a civil rights agency rather than a planning agency, it can only provide a general **Public Participation Plan**³ based on information via U.S. Census, American Community Survey, American Fact Finder and from the Hawaii Department of Business, Economic Development and Tourism (DBEDT). Public engagement for HDOT is conducted mainly via the Public Affairs Office (PAO) lead by the HDOT Public Information Officer, who issues press releases and coordinates public events. This office gathers input from other appropriate offices, branches, and divisions within HDOT as necessary for given projects and public outreach. Additionally, each County shall provide a Public Participation Plan for these purposes to ensure that all appropriate levels of government engage the public in matters of transit and transportation.

In general, Hawaii's population is a diverse group of minorities, rather than a Caucasian majority. Furthermore, outreach to the public would be specific to county data, geography and cultural networks. Usual outreach would include, but not be limited to, social media (Facebook, Twitter, mass e-mails, etc.), website notices, and flyers at public gathering places (nonprofit agencies, libraries, malls, grocery stores, community centers, churches, sports complexes). Actual large group meetings (to provide information or obtain feedback) may be effective in certain areas while small group meetings would be preferable in other communities. Regarding our LEP populations, notices for meetings would indicate that interpreters can be provided upon reasonable request. On short notice, interpreter phone services can also provide this language assistance. In certain counties, notices may be available on radio programs in specific alternative languages.

The Public Participation Plans of the counties assure that participation in the planning process is available to everyone, without regard to race, color, or national origin. OCR shall oversee the collection of Public Participation Plans from each Neighbor Island transit agency. OCR also works with the HDOT PAO to ensure any parties requesting language access services are addressed with proper services provided.

To supplement the *Hawaii Department of Transportation Public Involvement Policy*, attached as **Attachment 8** accompanying this program plan, HDOT wishes to note the following public outreach efforts for reaching to, and working with, the public on matters of transit and transportation:

- HDOT issues regular press releases, which are released to major news outlets in the

³ A copy of the current *Hawaii Department of Transportation Public Involvement Policy* is included with the attachments for Federal Transit Administration review. At the time of writing, the Public Involvement Policy is currently undergoing review and update.

state and online at <https://hidot.hawaii.gov/blog/category/news/> (as well as via HDOT's Facebook and Twitter accounts).

- HDOT has the following social media and internet presence:

Social Media Outreach	
Facebook Page	https://www.facebook.com/HawaiiDepartmentOfTransportation
Twitter Account	https://twitter.com/DOTHawaii
RSS Feed	https://hidot.hawaii.gov/feed/

Furthermore, for purposes of the Statewide Transportation Improvement Program (STIP), HDOT engages the public in public meetings and has an active social media presence to disseminate STIP-related information.⁴ The HDOT STIP Facebook account can be viewed here: <https://fb.me/HawaiiSTIP> and the Twitter account can be viewed here: <http://twitter.com/HISTIPNews>.

HDOT Language Access Plan (Attachment 2)

The HDOT Language Access Plan can be found at the link below (a copy is provided with the Attachments for this document as well):

<https://hidot.hawaii.gov/administration/files/2021/03/2021-HDOT-Language-Access-Plan-signed.pdf>

This plan is updated on a semi-annual basis in order to update the bilingual employee listing to reflect departing employees and new hires. It also is updated in order to address any changes to the State procurement master contract for oral language translation services on-demand, which is subject to change on a regular basis. By state law, the plan must be updated at least annually and aimed to reflect appropriate four-factor analysis for agency operations and note changes in operations that will be assist LEP populations in the state.

Four-Factor Analysis

LEP individuals should have the opportunity to meaningful access to services, programs and activities of recipients of Federal or State funds. Access should include having language assistance provided at no cost to the LEP individual(s). A flexible and data driven analysis to assess the need for language assistance is covered by the following four factors.

Factor 1 - The number or proportion of LEP persons served or encountered in the eligible service population.

HDOT Analysis: According to the US Census American Community Survey (ACS) for 2019, section titled "Language Spoken at Home by Population 5 years and over other than English,"

⁴ Details for public informational meetings held can be seen here: <https://highways.hidot.hawaii.gov/stories/s/22-25-STIP-Development-Public-Platform/qd6c-vr9q/>.

27.8 percent of Hawaii's population speaks a language other than English, with 11.9 percent speaking English less than "very well."⁵ This demonstrates that a significant part of the population speaks languages other than English and HDOT should ensure that this population is not denied access to, is allowed to participate in, and is not subject to discrimination in any federally funded project.

Factor 2 - The frequency within which the LEP group comes into contact with services.

HDOT Analysis: HDOT does not provide direct transit services (fixed-route, etc.) and thus does not have direct contact with LEP individuals seeking transit services. HDOT does stress to subrecipients to perform analysis of transit services provided to ensure that any eligible populations served are not denied access to language services. All participating subrecipients must perform four-factor analysis and ensure determinations are made regarding providing language access services to appropriate eligible populations and detail out the scope of services are part of their Title VI plans.

Factor 3 - The importance of the service in question.

HDOT Analysis: Given that HDOT does not provide direct transit services, no analysis of importance, relative to other services provided by HDOT, can be analyzed. Please see analysis for factor 2.

Factor 4 - The resources available to the LPA, or subrecipient provider.

HDOT Analysis: The State of Hawaii has provided a master contract for procuring on-demand oral translation services. For certain local government organizations, as well as certain qualifying non-profits that also partake in FTA 5310 program funds, the master contract may also cover usage. Furthermore, HDOT will provide written translation services as necessary for important services that are requested regularly by specific LEP populations. An example of a vital document helpful for transportation needs is the Hawaii State Driver's Manual, which has undergone translation.⁶

Accomplishments from Language Access Planning and Outreach

While HDOT does not provide direct transit services and is not a fixed-route transit provider, the efforts to provide 5310 subrecipients with technical assistance in establishing Language Access Plans for their organizations has resulted in a greater awareness of language access requirements for these organizations and the establishment of, at a minimum, oral language translation services and bilingual employee lists to ensure that, in the event an LEP individual requests services in a language other than English, alternative language services may be provided.

⁵ American Community Survey 2019 Summary, available at: <https://census.hawaii.gov/wp-content/uploads/2020/09/acs2019-rank-summary.pdf>.

⁶ The Hawaii State Driver's Manual was translated into thirteen different languages: Spanish, Samoan, Tongan, Hawaiian, Tagalog, Ilocano, Simplified Chinese, Traditional Chinese, Japanese, Korean, Marshallese, Chuukese, and Vietnamese. Currently, Spanish, Korean, and Japanese are available online with online publication of the remaining ten languages forthcoming.

Transit Programs (Maui, Kauai, and Hawai'i)

Given that STPO distributes funding to transit systems in the three (3) different counties of Maui, Kauai, and Hawai'i, OCR must review the needs of three (3) very different LEP populations. Based on ACS, 2014-2019 five (5) year Table, the three (3) counties shall apply the four-factor test to specific populations. As discerning ridership with LEP status may be difficult, HDOT recommends use of available demographic data for smaller transit systems like "Maui Bus" (Maui County), "Hele On Bus" (Hawaii County) and "Kauai Bus." Unfortunately, the following data for years 2014 to 2019 do not detail specific languages in use, but only by groupings. Further inquiry with all parties involved (via the 2020 census or otherwise) may reveal greater specifics for language. The following table details this further:

Table 1: Hawaii Limited English Proficiency – Hawaii, Kauai, and Maui

County	Population Estimate*	Speak English less than "very well"	LEP Percentage	Other Indo-European	Asian and Pacific Islander	Spanish	Other
Hawaii	187,560	14,368	7.7%	6,248	32,983	5,741	2,942
Maui	156,072	16,530	10.6%	1,647	27,466	5,896	645
Kauai	67,429	5,872	8.7%	576	11,805	814	460

*Source: U.S. Census Bureau, ACS 2014-2019 5 year (Attachment 4-6⁷); Hawaii Department of Business, Economic Development and Tourism (DBEDT) based on Public Use Microdata Sample of 2010-2014 5 year ACS.

Training and Monitoring LEP Program

The Title VI Specialist shall identify HDOT and subrecipient staff that usually have public contact. Then, the Title VI Specialist shall be responsible for training these staff members in dealing with LEP clients. This training shall include a summary of the background of the Language Access Plan and the procedures that may be necessary to assist LEP persons.

Title VI Specialist Responsibilities

The Title VI Specialist has the following responsibilities as related to LEP requirements:

- Annual review compliance of HDOT and subrecipient transit agency LEP responsibilities (including review of facilities, documentation, and Title VI Plan)
- Conduct training and to provide guidance to HDOT and to subrecipient transit agencies as related to LEP responsibilities.
- Coordinate the implementation of the Language Access Plan.

⁷ Also see: 2014-2019 American Community Survey 5-Year Data Profiles (https://census.hawaii.gov/wp-content/uploads/2020/12/acs2019_5yr_counties_hi.xlsx)

- Report LEP statistical information, as available.

Monitoring and Updating Language Access Plan

Every three (3) years as part of the Title VI program plan update submitted to FTA, the Title VI Specialist will review and update the Language Access Plan.⁸ In addition, the Title VI Specialist shall, with the assistance of Kauai, Hawaii and Maui transit agencies, review and monitor county-specific demographics regarding alternative languages and needs. The Language Access Plan shall also be updated accordingly.

Transit-Related Non-Elected Planning or Advisory Boards

There is no Planning or Advisory Branch at OCR that oversees transit agencies for Maui, Kauai or Hawaii counties. HDOT **does not** select members to serve on transit-related, non-elected planning boards, advisory councils or committees. HDOT also **does not** have a transit-related board providing oversight of any applicable HDOT activities related to transit. Executive authority is vested in the HDOT Director, allowable under FTA Circular 4702.1B.

Subrecipient Technical Assistance and Oversight

Oahu and Maui Metropolitan Planning Organizations (OMPO and MMPO)

STPO shall monitor transportation planning compliance, and OCR shall monitor civil rights compliance on a yearly basis. STPO and OCR shall share detailed information in order to achieve satisfactory compliance reviews. Such reviews shall include the following:

- Monitor the transportation planning process overall strategies and goals and ensure compliance with Title VI requirements.
- Review operational policies and procedures to ensure Title VI compliance.
- Monitor the service equities of planning data collection and an analysis for potential impacts on social, economic, and/or ethnic groups.
- Monitor MPOs to ensure membership reflects the makeup of the population served; this would include periodically reporting the MPOs racial, ethnic, and gender composition of public involvement organizations or groups.
- Monitor MPOs to ensure the opinions and views of all groups within their populations are solicited and considered in the planning of transportation projects.
- Monitor compliance with Environmental Justice issues to identify low-income and minority populations that may be impacted by transportation planning process.
- Monitor the gathering and utilization of demographic data used to identify and locate low-income and minority populations in order to investigate the possible benefits and detriments of transportation plans on these populations.
- Monitor compliance with Limited English Proficiency (LEP) populations to improve access and comprehension of the transportation planning process for individuals comprising the LEP population.

⁸ Regular (at least biannual) updates of the HDOT Language Access Plan is required by State law as well. §321-C, Hawaii Revised Statutes.

- Report transportation planning accomplishments and identify problem issues and possible efforts to mitigate these issues.

The Title VI Specialist and STPO shall participate in triennial planning certification reviews of the MPOs. The Title VI Specialist reviews shall monitor MPO compliance in the same yearly manner as with Neighbor Island transit agencies. The MPOs shall develop a Title VI plan every three (3) years. HDOT assistance in furtherance of Title VI compliance and related concerns may include provision of Title VI Public Notices, sample complaint forms, complaint procedures, other sample documents, and even demographic information of ridership areas. The Title VI Specialist also works on a cooperative, ongoing basis with the MPOs to ensure regular compliance measures are achieved.

Transit Providers

With every grant application, the transit agency submits:

- A list of any active lawsuits or complaints naming the potential grantee that allege discrimination on the basis of race, color, or national origin with respect to service or other transit benefits.
- A list of all pending applications for financial assistance and all financial assistance currently provided by other federal agencies.
- A synopsis of civil rights compliance review activities conducted during the last three (3) years. The synopsis shall include:
 - a. Purpose or reason for review;
 - b. Name of agency conducting the review;
 - c. Summary of findings and recommendations based on the review; and,
 - d. A written report of findings and recommendations of the review.

Neighbor Island transit agencies grant agreements shall specify that grantees shall comply with all pertinent civil rights laws and regulations in every subcontract financed in whole or in part with federal assistance provided by FTA, modified only if necessary to identify the affected parties. Neighbor Island transit agencies shall retain records of all such reports and shall have such records available for review by HDOT or FTA.

Each Neighbor Island transit agency shall provide a separate Title VI Program Plan every three (3) years. The Director of HDOT reviews, suggests changes and finally, approves such plans within three (3) weeks after submission. In the past, STPO has provided Neighbor Island transit agencies with a template for a Title VI Program Plan. All Neighbor Island transit agencies shall be given a reasonable time schedule within which to submit their triennial Title VI Plans. Normally, Plans shall be due on October 1st of the triennial year. All subrecipient Plans shall be added to HDOT's Title VI website only after HDOT's triennial Title VI Plan has been submitted to the FTA and uploaded to our HDOT website.

Subrecipient Monitoring and Compliance (For MPOs, Transit Providers, and Other Applicable Organizations)

The Title VI Specialist conducts subrecipient annual compliance and performance reviews that address implementation of the HDOT Title VI Plan and compliance with Title VI

requirements. The site visits enable the Title VI Specialist to provide one-on-one technical assistance and provide an opportunity for determination of compliance and corrective action, as required. In the alternative, HDOT OCR may perform a remote desk review HDOT assistance may include provision of Title VI Public Notices, sample complaint forms, complaint procedures, other sample documents, and even demographic information of ridership areas.

The following items are required of all appropriate HDOT subrecipients, subject to modification as necessary given their type of organizational status (e.g. MPO vs. 5310 subrecipient) and occurring on a rolling basis for 5310 subrecipients:

1. Submittal of a Title VI Plan every three (3) years.
2. Submittal of a Title VI Plan which has been approved by a governing entity or highest Authority of the agency.
3. Delivery of Title VI Training for all employees. Documentation of delivery of training program (date, attendance, topic(s) covered, number of hours per topic per session, lecture, video lesson etc.).
4. Delivery of Title VI Training for all FTA defined Safety-Sensitive Employees. Documentation of delivery of training program. (date, attendance, topic(s) covered, number of hours per topic per session, lecture, video lesson etc.).
5. Posting of Notice of Rights Under Title VI Notices in FTA funded vehicles.
6. Posting of Notice of Rights Under Title VI Notices in office and other publicly accessible places, including group meetings and other informational gatherings for its clients, and general public.
7. Posting of Notice of Rights Under Title VI Notices on agency website, brochures, bulletins, etc.
8. Description of how it monitors Title VI compliance by its officers, and employees.
9. Record-keeping of discrimination complaints, and resolutions, etc.
10. Carrying out of surveys of clients, community, coordinated services to assess the level and effectiveness of ensuring non-discrimination.

Pursuant to these monitoring and compliance requirements, HDOT has conducted remote desk reviews of the following organizations in the past reporting period:

- Kupu
- Oahu Metropolitan Planning Organization
- Maui Metropolitan Planning Organization
- Palolo Chinese Home
- Maui Bus

HDOT plans to conduct compliance reviews of the following organizations within the 2021 to 2024 reporting period, subject to scheduling:

- Kauai County Transportation Agency
- Hawaii Mass Transit Agency

Additional organizations will also be reviewed as scheduling, budgetary, and other concerns allow.

**Facility Site Equity Analysis (Hawai'i Island)
(See Attachment 3)***

***Please note that HDOT is *NOT* a fixed-route transit provider and only serves as a pass-through agency with oversight with regard to FTA programmatic funding and compliance. Also please note that, as HDOT has not engaged in providing FTA funding for any facilities construction related to transit activities since the last submission of the FTA Title VI Program Plan in 2016, this example of equity analysis is taken from the previous document to detail the HDOT equity analysis process. HDOT surveyed its sub-recipient transit agencies (as of November 1, 2021) for more current examples of equity analysis performed for infrastructure projects expected and did not have any more recent examples available.**

***PROJECT SELECTION CRITERIA AND
METHOD OF DISTRIBUTING FUNDS**

SECTION 5303 (Metropolitan Planning)

Projects to be funded must be part of an Annual Work Program (AWP), either as an approved Overall Work Program (OWP) or a Unified Planning Work Program (UPWP). The AWP describes and programs planning studies (along with any defined objectives, tasks, and deliverables). It also describes and programs the budgetary and staffing requirements for a given Metropolitan Planning Organization (MPO). The AWP is a requirement for all MPOs as metropolitan transportation planning activities are performed with Federal funds provided under 23 USC and 49 USC 53.

The AWP specifies transportation-related planning studies (called work elements) undertaken by the appropriate MPO and its participating agencies. These studies are usually completed to investigate and better understand a specific transportation problem and to help define the best possible solution. Other studies included in the AWP address Federal planning requirements, such as the development of a Congestion Management Process, or monitoring the impact of projects on low-income and minority populations.

In general, Section 5303 provides funding and procedural requirements for multimodal transportation planning in metropolitan areas and states. Planning needs to be cooperative, continuous, and comprehensive, resulting in long-range plans and short-range programs reflecting transportation investment priorities.

SECTION 5304 (State Planning and Research Program)

The following criteria are utilized in prioritizing request for program funding

1. Planning Support Statewide
2. Planning support for Non-urbanized areas
3. Supplement the Metropolitan Planning program

Additionally, all requests are reviewed for program eligibility and civil rights compliance.

SECTION 5310 (Enhanced Mobility of Seniors and Individuals with Disabilities Program)

Project selection criteria used to evaluate applicants for funding are listed below:

- *Effectiveness* of the project in meeting the transportation needs of the elderly and/or disabled.
- *Appropriateness* of the project in meeting the transportation needs of the elderly and/or disabled (including identifying how the proposed project is supported by the Coordinated Public Transit Human Services Transportation Plan (CSP).
- *Financial capability* to meet the local match, and to operate and maintain the project and the transportation program.
- *Management and operations capabilities* needed to operate and maintain the project.

If the applicant previously received Section 5310 funding, additional information, including but not limited to compliance review findings, site inspection documents, and reporting records will be used in the evaluation of the application.

Project awards are based on eligibility, and every attempt is made to award eligible applicants. Provided that all applicants for 5310 funding are meeting the criteria for funding as detailed above,

At project award (as described in section 11.0), the following are assured: (1) equity of distribution of benefits among eligible groups, as required by Title VI, and (2) project applicability based on the CSP.

SECTION 5311 (Formula Grants for Rural Areas)

Funds are distributed based on program eligibility criteria to demonstrate eligibility, the applicant must:

- Provide transportation service to the general public.
- Provide a fixed route or demand response system.
- Provide a display on its vehicles indicating that it is a public transportation system and its telephone number (the display must be visible from at least a distance of thirty (30) feet).
- Ensure that adequate funds are available to match Section 5311 funds.

The system must be equipped and available to serve the needs of the elderly, semi-ambulatory, wheelchair confined and other disabled and transit-dependent public. The applicant is subject to the ADA of 1990, and Section 504 of the Rehabilitation Act of 1973, both of which address what the system must do to provide transportation to persons with

disabilities. At project award the following are assured: (1) equity of distribution of benefits among eligible groups, as required by Title VI, and (2) project applicability based on the CSP.

Section 5311(b)(3) (Rural Transportation Assistance Program)

Funds are distributed based on program eligibility criteria to demonstrate eligibility, an application must meet one of the following criteria:

- Training
- Technical Assistance
- Research
- Related support services

SECTION 5339 (Bus and Bus Facilities Program)

Section 5339 funds are distributed based on program eligibility. In demonstrating eligibility, the applicant must:

- Be a fixed route bus operators or state or local government agencies that operate fixed route bus service.
- Provide transportation services to the general public.
- Ensure that adequate funds are available to match Section 5311 funds and provide for ongoing operations.

Additionally, all requests are reviewed for program eligibility.

For the calendar year 2021, the following table details the organizations that have requested funding broken down by FTA funding program (5303, 5307, etc.):

FTA 5303 Metropolitan Transportation Planning Program Funding Requests	
Oahu Metropolitan Planning Organization	Maui Metropolitan Planning Organization
FTA 5307 Urbanized Area Formula Grant Program Funding Requests	
Maui Department of Transportation	
FTA 5310 Enhanced Mobility of Seniors & Individuals With Disabilities Program Funding Requests	
Arc of Maui County	Catholic Charities Hawaii
Special Education Center of Hawaii	Hawaii County Economic Opportunity Council
Na Hoaloha Maui Interfaith Volunteer Caregivers	Maui Economic Opportunity, Inc.
Opportunities and Resources, Inc.	ORI Anuenue Hale, Inc.
Responsive Caregivers of Hawaii	
FTA 5311 Formula Grants for Rural Areas Program Funding Requests	
Maui Department of Transportation	Kauai Transportation Agency
Hawaii Mass Transit Agency	
FTA 5339 Grants for Buses and Bus Facilities Formula Program Funding Requests	
Maui Department of Transportation	Kauai Transportation Agency
Hawaii Mass Transit Agency	

DISTRIBUTION PROCESS FOR FTA PROGRAM FUNDS

The following information describes the procedures for allocating Section 5303, Section 5304, Section 5310, Section 5311, and Section 5339 program funding. Prior to utilization, all projects utilizing these program funds must be part of an Federally approved TIP/STIP.

FTA Section 5303 (Metropolitan Planning)

Funds are distributed to both Oahu MPO and Maui MPO annually once the Federal appropriation is made to Hawaii via the Federal Register.

Funds are then applied for based on each MPO's Policy Board approved work plan.

Section 5304 (State Planning and Research Program)

Funds are used by the HDOT and/or provided for discretionary use by grantees.

Section 5310 funding (Enhanced Mobility of Seniors and Individuals with Disabilities Program)

Funds are distributed through an application process, where HDOT-eligible applicants are ranked according to the criteria presented in section 9.1. Ranking of applicants is performed when funding is insufficient to fund all eligible requests. With Fixing America's Surface Transportation Act (FAST) requirements implemented, ranking will be done by geographic region, i.e., rural, small-urban and urban.

Section 5311 (Formula Grants for Rural Areas)

Funding, HDOT's STPO works with its subrecipients (County Transit Agencies) to determine how funding should be apportioned. To date, this has been an amenable process for participating parties.

Current funding levels, after setting aside the portion for program administration for HDOT, are distributed to the counties of Hawaii, Kauai and Maui annually once the Federal appropriation is made to Hawaii via the Federal Register.

All applications for funding are transmitted through HDOT and reviewed for program compliance.

Section 5311(b)(3) (Rural Transportation Assistance Program)

Funds are distributed through an application process based on funding and program eligibility

Section 5339 (Bus and Bus Facilities Program)

Funding, HDOT's STPO works with its subrecipients (County Transit Agencies) to determine how funding should be apportioned. To date, this has been an amenable process for participating parties.

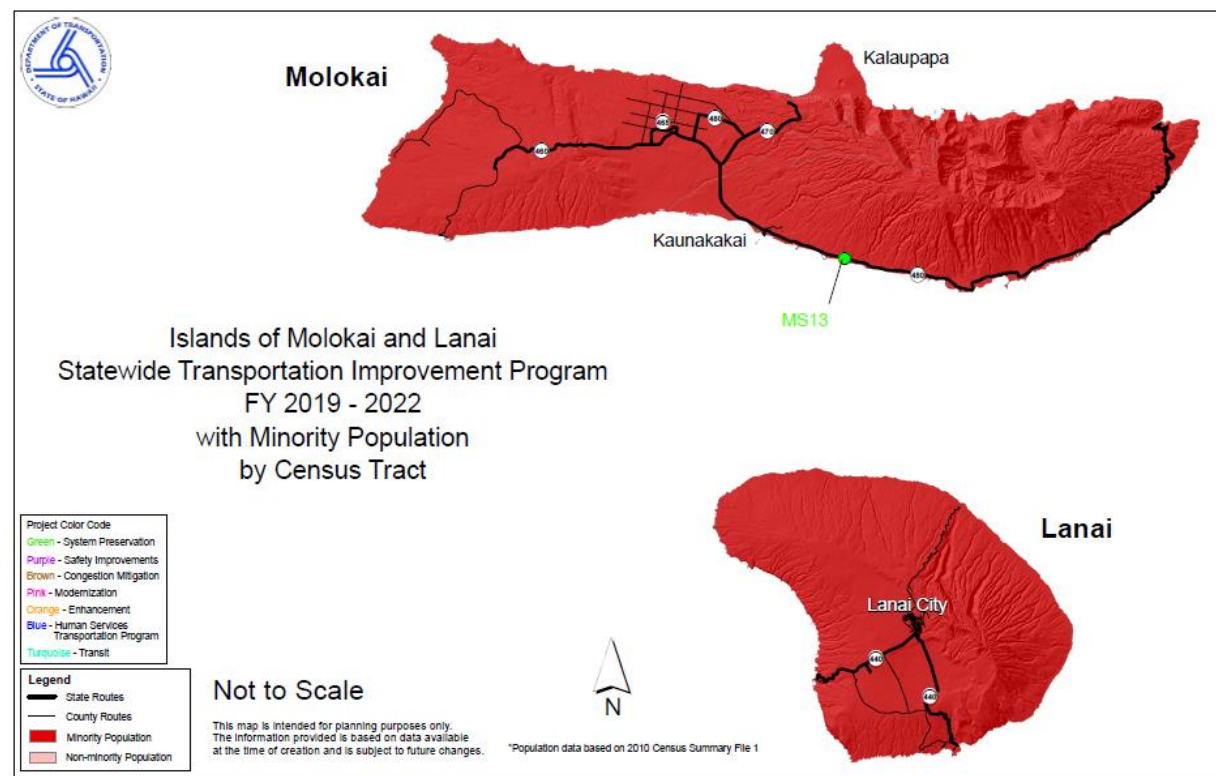
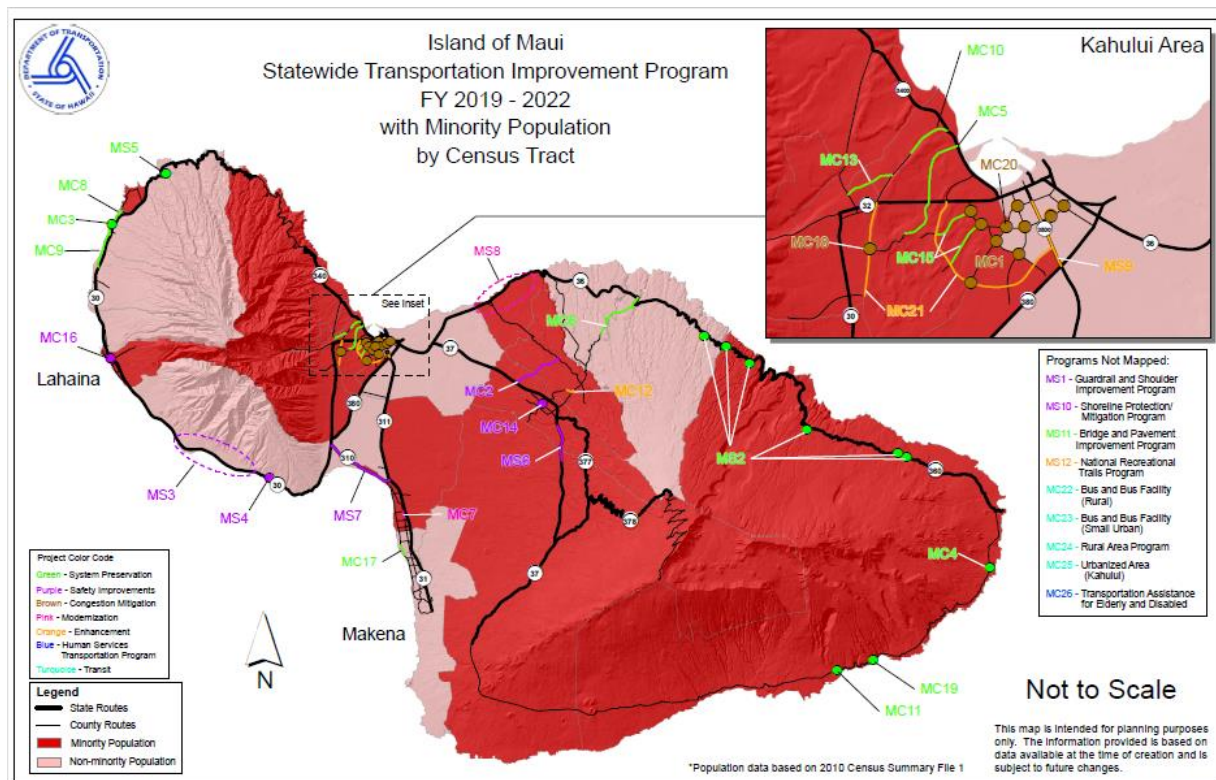
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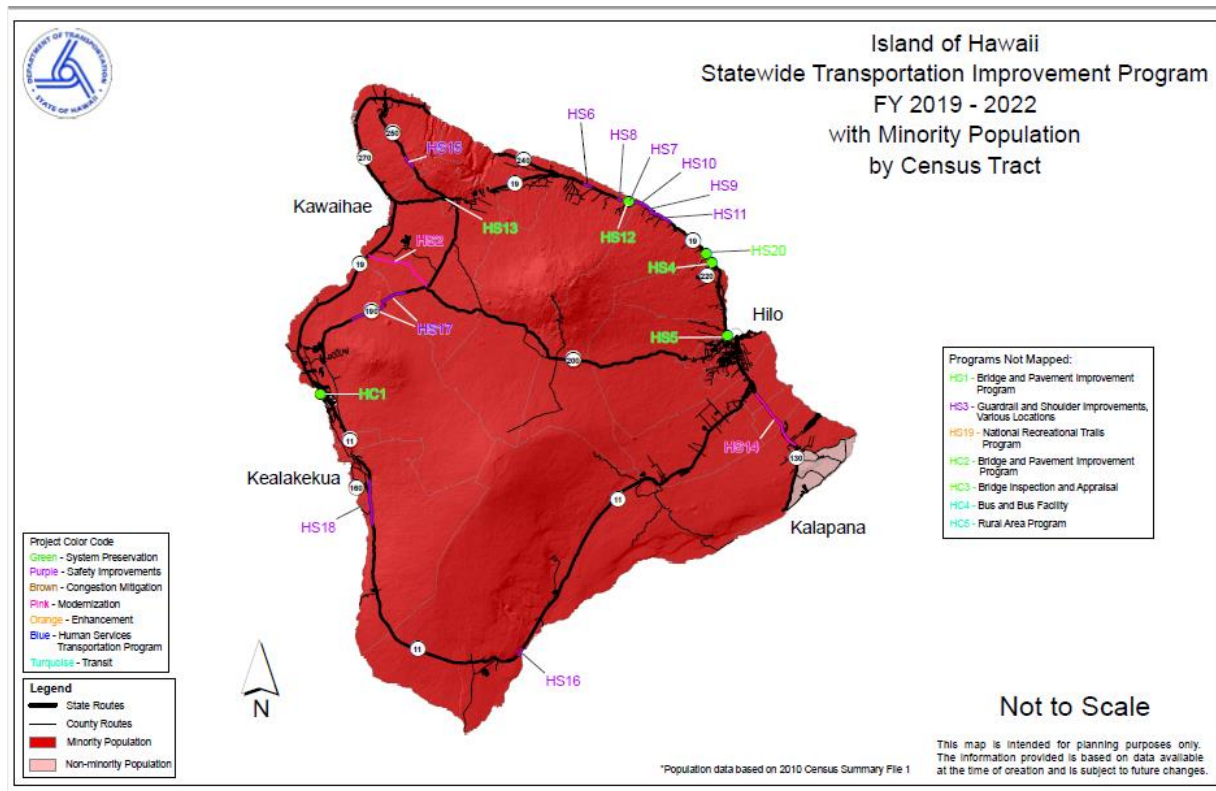
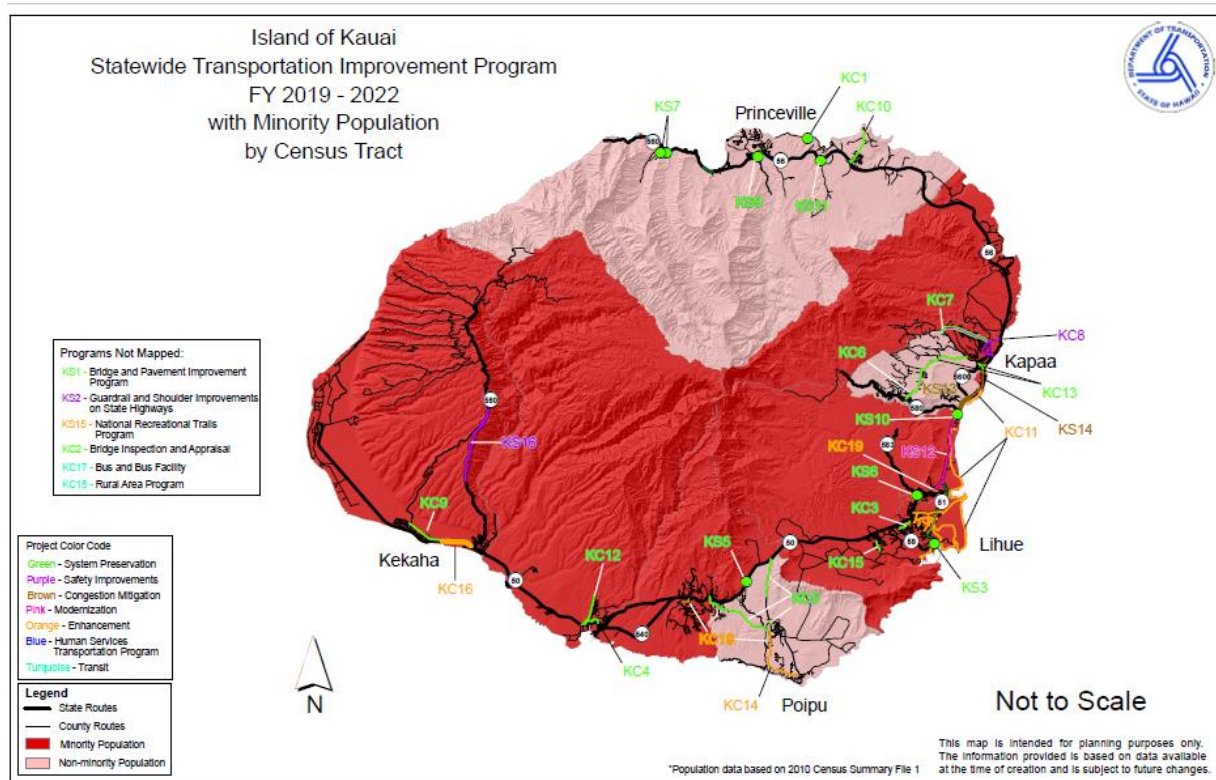
All applications for funding are transmitted through HDOT and reviewed for program compliance.

The City and County of Honolulu has agreed to allow the County of Maui first rights to the Small Urban funding. Maui County will provide application for funding to the HDOT and HDOT will review for program compliance.

See Demographic Mapping and Attachments 3-7

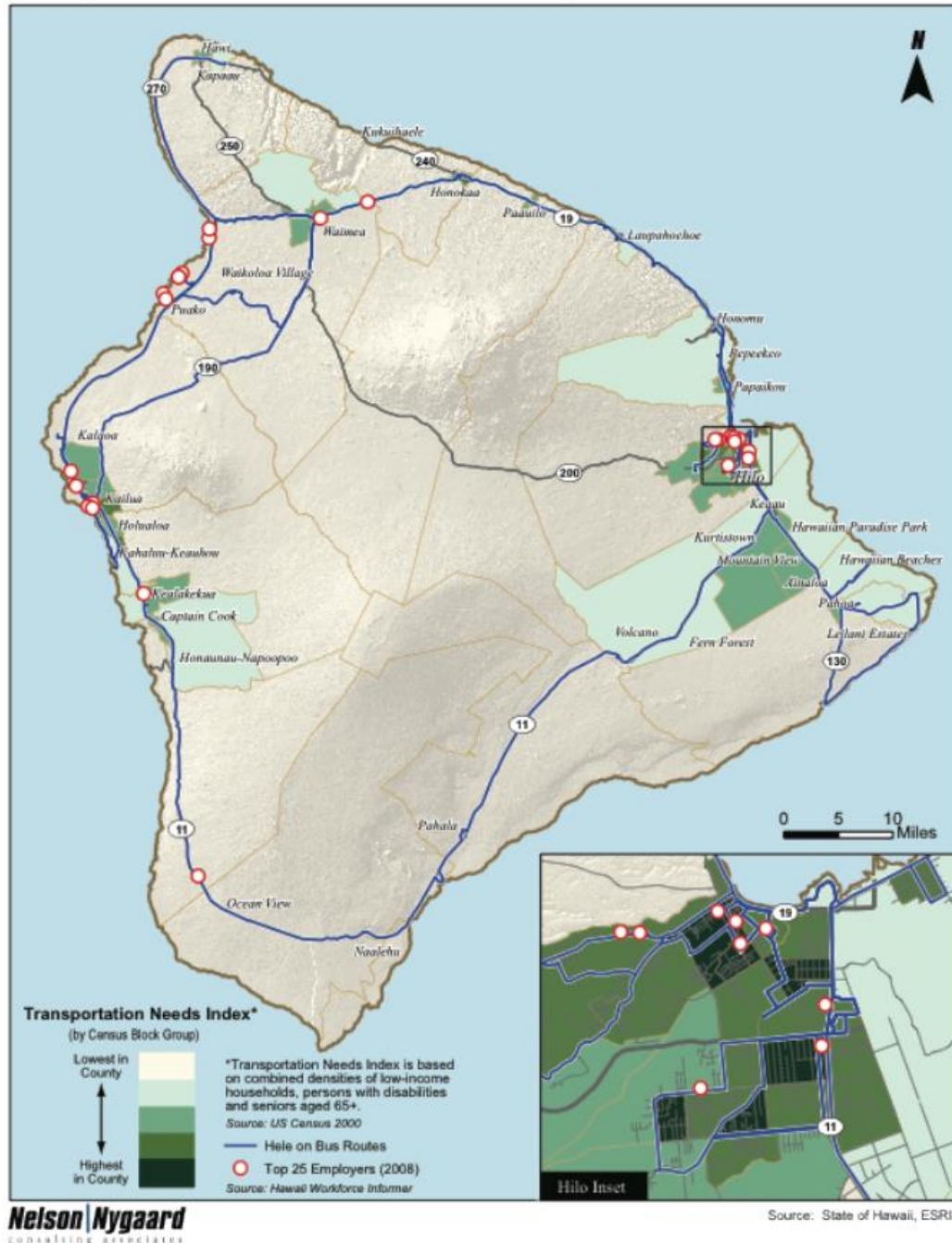
Minority Demographic Maps By Island:





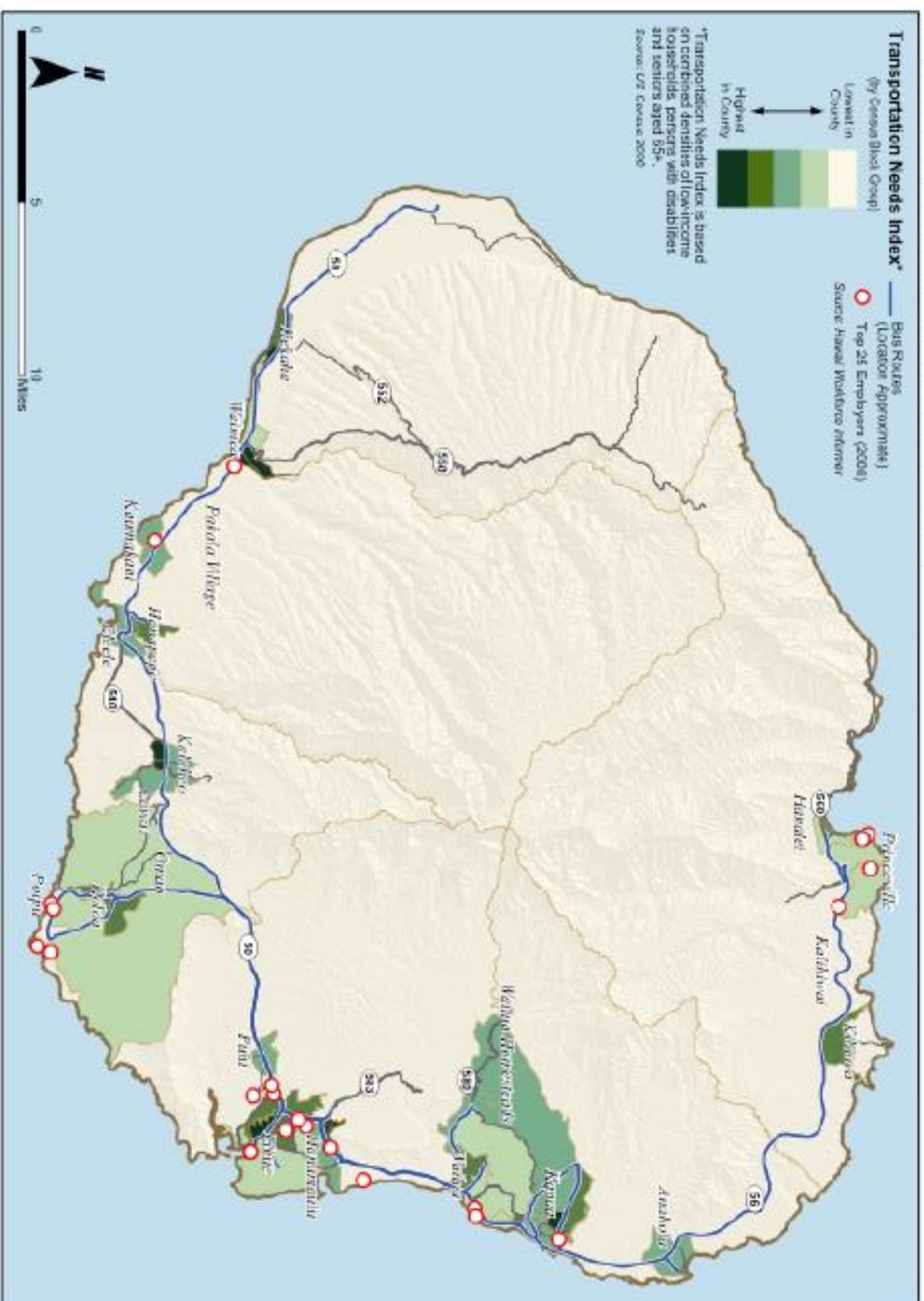
Counties of Hawaii, Kauai, and Maui Transportation Need Index Maps:⁹

Transportation Needs Index: Hawaii County

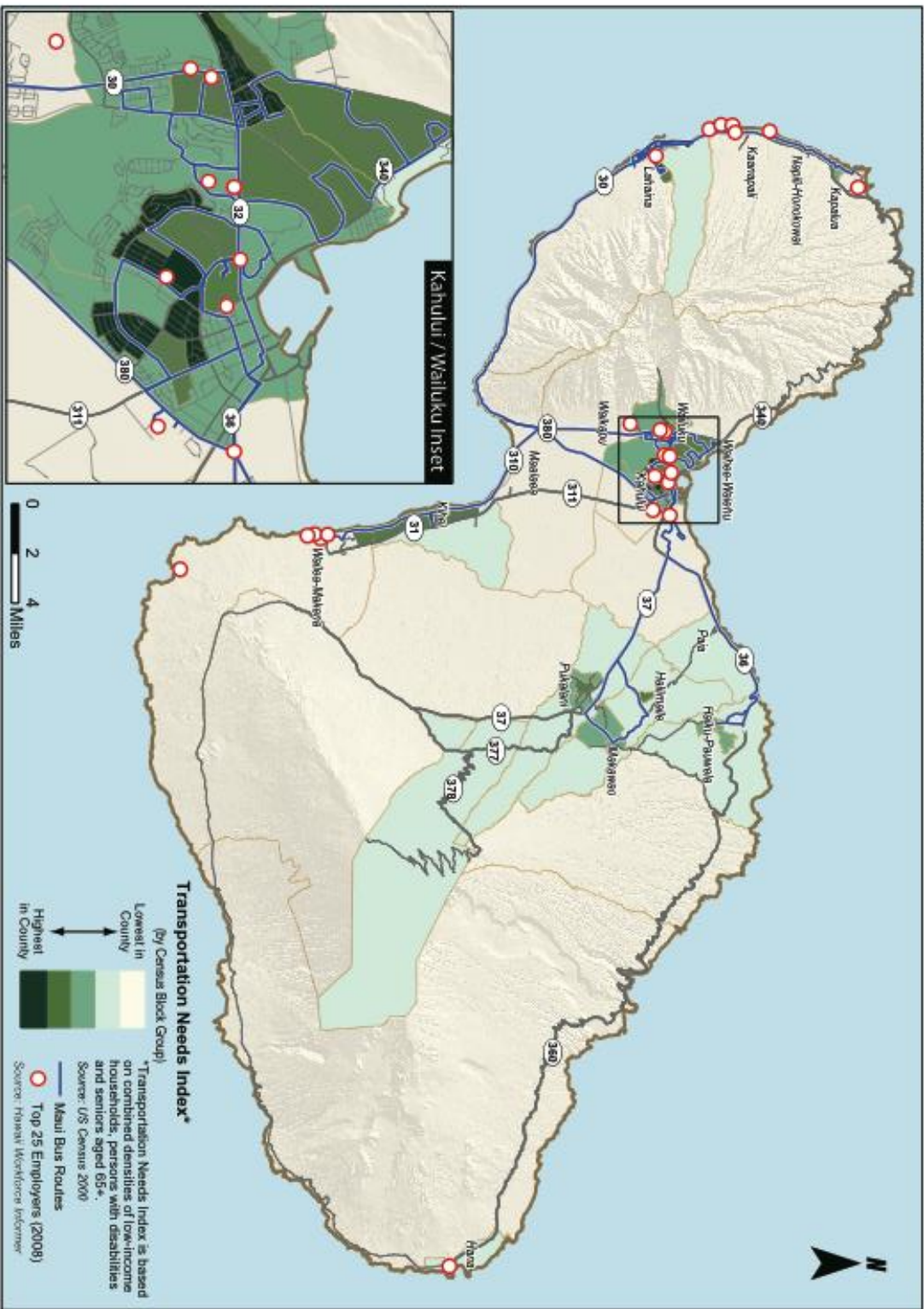


⁹ Transportation Needs Index map is provided by the 2011 State of Hawaii Coordinated Public Transit – Human Services Transportation Plan (found at: <http://hidot.hawaii.gov/administration/files/2013/01/final-plan-hi-csp.pdf>). More recent Transportation Needs Index or Transit Needs Index maps are pending completion of planning for HDOT CSP 2020+, which has been delayed in light of the impact from COVID-19.

Transportation Needs Index: Kauai Island



Transportation Needs Index: Maui Island



ATTACHMENTS

Attachment 1: State of Hawaii Department of Transportation Title VI Notice

Attachment 2: HDOT Language Access Plan

Attachment 3: Title VI Equity Analysis

**Attachment 4: Hawaii County Population and Housing Narrative Profile; 2014-2019
American Community Survey 5-Year Estimates**

**Attachment 5: Kauai County Population and Housing Narrative Profile; 2014-2019
American Community Survey 5-Year Estimates**

**Attachment 6: Maui County Population and Housing Narrative Profile; 2014-2019
American Community Survey 5-Year Estimates**

**Attachment 7: Hawaii Department of Business, Economic Development, and Tourism
(DBEDT) “Detailed Languages Spoken At Home In the State of Hawaii,”
March 2016.**

Attachment 8: HDOT Public Involvement Policy

**Attachment 9: 2013 Legislative Bill Detailing Dissolution of Transit Oversight Board
(Commission on Transportation) Related to HDOT**